

Exhibit K

1
2 IN THE UNITED STATES DISTRICT COURT
3 FOR THE WESTERN DISTRICT OF PENNSYLVANIA

4 EVELYN L. MCKINLEY,)
5 Plaintiff,)
6 vs.) Civil Action
7 HONORABLE LES BROWNLEE,) No. 04-222 E
8 ACTING SECRETARY OF THE)
9 ARMY,)
10 Defendant.)

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COPY

13 DONALD WHETZEL, a witness herein,
14 called on behalf of the Plaintiff for
15 examination, taken pursuant to the Federal
16 Rules of Civil Procedure, by and before Denise
17 E. Grumski, Registered Professional Reporter
18 and Notary Public in and for the Commonwealth
19 of Pennsylvania, at 99th RSC ECS #103(G), 6467
20 Mike Wood Boulevard, Conneaut Lake,
21 Pennsylvania, on Wednesday, July 20, 2005 at
22 11:07 a.m.

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1 D. Whetzel - by Mr. Sanders

2 Evelyn McKinley when she started training you
3 on the computer?

4 A. Yes, I believe it was.

5 Q. When you were down in New Castle, did
6 you know an Albert Morell?

7 A. Yes, I did.

8 Q. Was he ever a supervisor of yours or
9 someone who was higher up the chain of command
10 there?

11 A. Yes, he was.

12 Q. By the way, when you signed this
13 document on 29, January, of '96, is that also
14 your check mark indicating that you're
15 accepting this new position?

16 A. Yes.

17 Q. To your knowledge, your recollection --
18 I know it's been a few years -- but other than
19 signing this document, am I correct that you
20 never filled out a formal application for the
21 maintenance administrative clerk job when you
22 went from being a mechanic/heavy mobile
23 equipment repairer? Is that a correct
24 statement that this is the only document that
25 you executed to confirm that change in being a

1 D. Whetzel - by Mr. Sanders
2 mechanic to a maintenance administrative clerk?

3 A. I honestly don't remember.

4 Q. Do you know enough to remember that the
5 maintenance administrative clerk position you
6 got in '96 in New Castle had not been posted?
7 Do you know that to be a fact?

8 A. No, I didn't.

9 Q. You never saw it posted; is that
10 correct?

11 A. No.

12 Q. Now, when you had that accident in '94,
13 is it true that you never returned back to a
14 mechanic?

15 A. That's true.

16 Q. And by the way, we're using mechanic
17 and heavy mobile equipment repairer
18 interchangeably today. Is that okay with you?

19 A. Yes.

20 Q. We did it with Brumbaugh. We did it
21 with Flynn. Now, is it a true statement that
22 when you did this job in New Castle called
23 maintenance administrative clerk, you did not
24 work on a computer there; did you?

25 A. Yes, I did.

1 D. Whetzel - by Mr. Sanders

2 Geneva; had he not?

3 A. Yes.

4 Q. Or was he in Franklin at the time; do
5 you know?

6 A. No. He was in Geneva.

7 Q. And he was now in Geneva at the time of
8 the call, and he was officing out of this
9 office we're in today for the deposition?

10 A. Yes.

11 Q. Is it true that you never filled out an
12 application, an actual document, a formal
13 application, for the new clerk position, supply
14 clerk position, you now have; is that a true
15 statement?

16 A. Again, I honestly can't remember
17 whether I did or not.

18 Q. Well, I had asked for your file in this
19 case, and we have what they call a
20 confidentiality agreement. So these documents
21 and medical records have all been provided to
22 me and will not go beyond anyone in this case,
23 and I did not see a formal application.

24 So as you sit here today, do you have a
25 distinct recollection as to filling out an

1 D. Whetzel - by Mr. Sanders
2 application for the job you have here in
3 Geneva?

4 A. Not right off the top of my head. I
5 got a call from Mr. McCandless at the 99th
6 telling me that I received the call.

7 Q. I understand that, and you told me that
8 in '03, too, when I met you. But I'm asking
9 you, other than the phone call from Morell and
10 the confirming phone call from McCandless, the
11 next thing you knew you were working in Geneva;
12 is that correct?

13 A. Yes.

14 Q. Now, did you have to sell your home and
15 move to another home in order to take the
16 Geneva position?

17 A. No.

18 Q. Where were you living; closer to the
19 New Castle job or the Geneva job?

20 A. They were both about the same distance.

21 Q. I don't want to know the address, but
22 where do you live out of?

23 A. Grove City.

24 Q. Now, when you were in New Castle last,
25 whatever that year was -- well, according to

1 D. Whetzel - by Mr. Kovac

2 Q. When you got this position, when you
3 got the position in 1996, the position
4 Deposition Exhibit 1 refers to, is it your
5 testimony that you can't remember whether or
6 not you filed an application?

7 A. Yes.

8 Q. So you could have, in fact, written up
9 an application for this position?

10 A. I could have, but I don't remember.

11 Q. Perry Wood, how many times has he taken
12 or been on military leave since you've been
13 here?

14 A. Been gone for a certain period, a long
15 time you mean?

16 Q. Right. Like activated not like a two
17 week type of AT but full mobilization?

18 A. This was the first time.

19 Q. This was the first time?

20 A. Yes.

21 Q. So this most recent mobilization would
22 have been the first time that Flo Kinch you
23 said had taken over managerial
24 responsibilities?

25 A. Yes.